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Notes and Correspondence

FAR EASTERN BAR ASSOCIATION

The organization of a Far Eastern American Bar Association is an event of much significance in the legal world. It will be remembered that Judge Lobingier of the United States Court for China, who has been elected the first President of the Association, delivered a course of lectures on the Roman Law last spring before the School of Jurisprudence at Berkeley. The following account is taken from the *China Press*.

"The Far Eastern American Bar Association, designed to bring into co-operation American lawyers not only in China and Japan, but the Philippines as well, to which reference was made in *The China Press* of Sunday, was formally organized at a meeting held in the sessions room of the United States Court for China, yesterday. Mr. S. Fessenden, acting chairman, presided and there were also present Judge C. S. Lobingier, Dr. F. E. Hinckley, Messrs. J. W. Rice, C. R. Holcomb, A. S. Allan, J. B. Davies, M. L. Heen, H. D. Rodger, A. P. Bassett, W. S. Fleming and E. B. Rose.

"Mr. Fessenden stated that drafts of the proposed constitution had been sent out and had been signed by all resident members of the American bar in Shanghai except two . . . The association contemplated something more than attending to purely local affairs, which was why it carried the name of the Far Eastern Association and it was intended also, if possible, to affiliate with the American Bar Association and to extend its membership to the Philippines.

"Judge C. S. Lobingier was nominated as first President, Mr. Fessenden remarking that he was in a far better position than anyone else to push the association along and also obtain the co-operation of lawyers in Manila, whilst he might help them as well to get affiliation with the American Bar Association.

"The appointment was agreed to unanimously and Judge Lobingier said that he hoped the association would be a genuine affair and not in any sense an official body. He could tell them that Governor Gilbert of Manila had expressed his interest in it and had said that he would do all he could to further its interests.

"Mr. E. P. Allen, of Tientsin and Mr. A. P. Bassett, of

Shanghai, were elected vice-presidents and Mr. E. B. Rose secretary and treasurer. The executive committee will be nominated by the President."

LIMITED LIABILITY OF SHIP OWNERS

The importance of encouraging maritime adventures led the continental seafaring nations during the middle ages to limit the liability of the owner of a ship to the ship itself. It may be questioned whether the modern development of insurance has not rendered these special privileges unnecessary. Commercial rivalry in the development of a merchant marine, however, forces each nation to accord to its shipping interests the privileges granted by its competitors. This was the justification for the Harter Act, exempting the owner from liability for certain losses incurred in the carriage of goods. The same excuse, however, does not exist for the limitation of liability acts. In England, the liability of the owner is limited to the value of the ship before the accident. In the United States it is the value of the ship after the accident. In the United States, therefore, it becomes to the interest of the ship owner to economize at the risk of life. For example, a saving in the consumption of fuel is made by hugging the shore dangerously close. When, in the exceptional case, an accident occurs, the ship owner gets full insurance from the insurance company, and leaves a vessel at the bottom of the ocean as the only asset out of which damages can be recovered for loss of lives and property. With this premium on taking chances it is no wonder that shipping interests are slow in applying the slogan "Safety First", which has been adopted with such success by the railroads. The shipping interests evidently feel that the present Congress will insist on some form of liability. In "The Survey" for December 5, 1914, Volume 33, Number 10, is an account of the ingenious device which a shipping company has adopted to forestall Congressional action by incorporating separately each one of the vessels in its fleet. Equally ingenious is the method suggested by the writer of the article, Mr. Thomas I. Parkinson, of the Columbia University Legislation Drafting Bureau, by which the circumventors may be circumvented.